

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOSHUA BERRY	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-15-1107-HE
	)	
EDITH EARLEEN JUDKINS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Joshua Berry, a state prisoner appearing *pro se*, brought this action pursuant to 42 U.S.C. § 1983 alleging violation of his constitutional rights by defendants Edith Earleen Judkins, Matthew Kliever, Ernest Howell, and Jeriel Gray. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Suzanne Mitchell, who recommends this case be dismissed due to plaintiff's failure to comply with the court's orders or to otherwise prosecute his claims.

Plaintiff was granted until July 28, 2016, to object to the Reports and Recommendations, but has not done so. He has, therefore, waived any right to appellate review of the factual and legal issues they addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts the Reports and Recommendations [Doc. Nos. 23 and 24] and **DISMISSES** this case without prejudice.

**IT IS SO ORDERED.**

Dated this 11th day August, 2016.



JOE HEATON  
CHIEF U.S. DISTRICT JUDGE